

percent of these addictive opiate drugs. Something is wrong. Something must change.

I thank the Presiding Officer for allowing me to be able to read the letters of people who have been affected by this all over this great country in all of our States. I know we feel the pain, and we are going to try to make these changes and make sure this agency will do what it is supposed to do.

I yield the floor.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING JUSTICE ANTONIN SCALIA

Mrs. MURRAY. Madam President, first of all, I want to take a moment to honor the life and service of Supreme Court Justice Antonin Scalia.

Justice Scalia was a dedicated public servant who gave so many years to our courts and our country. He and I didn't agree on every issue, but his intellect, passion, and commitment were unquestionable. I know he will be missed, and the thoughts and prayers of Washington State families go out to his family.

FILLING THE SUPREME COURT VACANCY

Madam President, people across the country are now looking at what is happening here in Congress, and they are frustrated. They look at the many challenges we face as a Nation, and they want Democrats and Republicans to work together to tackle them to make sure our government is functioning and that it is working for all of our families, not just the wealthy and few.

Madam President, I share that frustration. We have been able to get things done when Democrats and Republicans work together to break through the gridlock. That shouldn't end just because it is an election year. It certainly should not end when it comes to one of our most important roles here in the Senate, working with the President to evaluate and confirm judges for the highest court in our land.

The Supreme Court plays such an important role in protecting the rights, liberties, and responsibilities of all Americans. Over the years the Court has made decisions that have moved our country in the right direction, and it has made decisions that have set us back. When the Court can do its work, it offers certainty to people across the country when it comes to their rights as workers or as patients or as consumers or as women or as citizens. At its best, it helps our judicial system rise above politics, above partisanship, and above the spats and sniping of the moment. In order to do that, the Court must have a full bench. It cannot have vacancies leading to potential deadlocks at every turn.

That is why I was so disappointed that hours after Justice Scalia passed away, Republican leaders jumped out of the gate to say they would not allow

the vacancy to be filled while President Obama was still in office. Right away—before the Nation had a chance to take in and mourn the loss of a Supreme Court Justice, a man who seriously believed in the Constitution—Republican leaders injected politics and partisanship into a process that should be about our obligations as Americans.

The Constitution is very clear. Let me take a moment to read from it directly.

In article II, which clearly defines the powers of the President, section 2 states that “he shall nominate and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court and all other Officers of the United States.”

Madam President, this could not be more explicit. The President “shall nominate” and shall appoint with “the Advice and Consent of the Senate”—not shall nominate in the first 3 years, not shall nominate unless the Senate leadership wants to keep the seat open for a while. The President “shall nominate.” That is his responsibility.

Then it is our responsibility in the Senate to consider, advise, and ultimately help make sure that the vacancy is filled with a qualified person. Of course, the Senate has the right to weigh in with our advice and consent. It is our job to vet nominees sent to us by the President, to make sure they are qualified for the job, and to determine if they meet the basic standards of honesty, ethics, qualifications, and fairness. Personally, this Senator will want to evaluate if they will be independent, evenhanded in deciding cases, and if they will uphold our rights and liberties, including the critical right to privacy.

Republican leaders are not objecting to a person; they are objecting to this President being allowed to do his job. That is not advice and consent; it is politicize and obstruct.

Republicans say there is a precedent to stall on Supreme Court nominations in the last year of a President's term. That is not true. President Reagan had Justice Kennedy confirmed with a unanimous vote in a Democratic Senate in his last year in office.

Since 1975, the average number of days from nomination to final Senate vote is about 70 days. So this kind of obstruction and partisanship is absolutely wrong. People across the country will not stand for it, and I hope our Republican leaders will back down and do the right thing because evaluating and confirming Supreme Court Justices is one of the most important roles we have in the U.S. Senate.

In fact, it is this issue that actually pushed me to run for the Senate in the first place. Back in 1991 I was a State senator, a former school board member, a mom. Like so many people at that time, I watched the Clarence Thomas confirmation hearings. For days I watched in frustration.

I couldn't believe this nominee wasn't pushed on the issues that I and

so many others thought were so important to our country. I didn't feel the Members on that committee represented the full spectrum of perspectives, and I decided then and there to run for the U.S. Senate to give Washington State families a voice.

Now, as a U.S. Senator, I want my questions answered. I want to make sure my constituents have a seat at the table and I get to push nominees for the highest Court in the land on the issues I care about most, but I can't do that if Republicans play election-year politics and don't even allow us to have that debate. The American people will not have a voice, the Court will be dysfunctional for a year longer, and Republicans will have politicized a process that should be above this sort of petty partisanship.

Many Republicans may not want to hear this, but Barack Obama is still President Obama for almost a full year more. This Senator is hopeful that Republicans will step back from this very dangerous and very partisan path they are on and work with us to consider and confirm a nominee in a reasonable timeframe.

Families across the country deserve to have a functioning Supreme Court and a Congress that works well enough to allow this to happen.

Thank you, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here now for the 128th time to urge that we wake up to the ugly changes that carbon pollution is wreaking on our climate. It is happening all around us, and it is happening right now, not in some far-off future.

As humans we are terrestrial beings. We live on the land. So naturally we pay more attention to the experience where we live—things such as increasing average temperatures on the land and changes in extreme weather when it hits the land. We don't so much pay attention to what is happening in our warming and acidifying oceans.

The oceans are a big deal in climate change. For decades the oceans have absorbed more than 90 percent of the excess heat trapped in the atmosphere by greenhouse gas emissions. Of all the different places the excess heat goes, 93 percent is into the oceans. What we see in the atmosphere—the temperature changes we have already measured, the

changes we are seeing in our habitat and what is happening to the western forest—all of that is less than the remaining 7 percent.

A study published in the journal *Nature Climate Change* found that the oceans have absorbed as much energy just since 1997 as they had in the preceding 130 years—as much in 20 years, less than 20 years, as they had in the preceding 130 years.

According to an Associated Press write-up of the study's findings, "Since 1997, Earth's oceans have absorbed man-made heat energy equivalent to a Hiroshima-style bomb being exploded every second for 75 straight years." That is the energy load of heat that has gone into our oceans—a Hiroshima-style bomb exploded every second for 75 straight years. What does all that excess energy mean for the oceans? It means that sea levels are rising, in part due to melting glaciers but also because of expanding ocean water. It is basic physics, explained by the principle of thermal expansion. When the ocean warms, it expands. It can't go down, so it comes up along our shores.

We have measured sea level rise in Rhode Island since 1930. Since then, the water level is up nearly 10 inches at the tide gauge at Naval Station Newport, and rates of sea level rise are on the increase worldwide. Since 1993, global sea level has risen at a rate approximately double the average rate observed through the 20th century. It is accelerating.

Current forecasts confirm that if we do nothing to curb greenhouse gas emissions over the next decades, the oceans could rise as much as 3 or 4 feet by 2100. Our State coastal management agency predicts that we could see as much as 7 feet of sea level rise in the Ocean State, in Rhode Island, by the end of the century. I hope my colleagues understand that when I come to do this, I am deadly serious about things that are predicted to happen in my State.

This week, the Proceedings of the National Academy of Sciences reported that global sea levels are rising at their fastest rate in nearly 3,000 years. That study also estimates that about half of the 20th century sea level rise would not have occurred without global warming.

The lead author, Dr. Robert Kopp, an earth scientist at Rutgers University, explained in the *New York Times*:

Physics tells us that sea-level change and temperature change should go hand-in-hand. This new geological record confirms it.

Sea level rise matters to my constituents and to all coastal communities. A related study, led by Dr. Robert Strauss, found that approximately three-quarters of the tidal flood days now occurring in towns along the east coast are a result of the rise in sea level caused by human emissions. For example, looking at tide gauge data, 32 flood days were recorded in the decade from 1955 to 1964 at Annapolis, MD, and 34 flood days were recorded in that

same period for Charleston, SC. In one decade, there were 32 flood days in Annapolis and 34 flood days in Charleston. Scroll forward to the decade 2005 to 2014, and the number of flood days in Annapolis jumps to 394 from 32—in one decade—and 219 flood days were recorded in Charleston.

Sea level rise brings coastal erosion, and it brings saltwater inundation of coastal marshes and habitats. It amplifies the effects of storm surge and flooding as storms ride ashore on higher seas. It changes flood zones and affects flood insurance for homeowners. These are real problems, and they are serious problems.

Dr. Strauss explains in a *New York Times* article this week:

It's not the tide. It's not the wind. It's us.

The main culprit is carbon dioxide building up in the atmosphere, which again in 2015 reached new record levels. To put a little context on this, for as long as human beings have inhabited planet Earth, we have existed safely in a range between 170 and 300 parts per million of carbon dioxide in the atmosphere. Unfortunately, we broke beyond 300 parts per million early last century, and we haven't looked back. We have now exceeded 400 parts per million.

Among its harms, this excess carbon dioxide has a particularly damaging chemical effect on our oceans. Oceans, in addition to absorbing 90 percent of the heat, I pointed out, are absorbing about 30 percent of the carbon dioxide—it goes right into the oceans—roughly 600 gigatons since preindustrial times. As all that carbon is absorbed into the oceans, it changes the oceans' chemistry. It makes the oceans more acidic. The chemical reaction is simple, but the effects on the ocean are serious.

This chart shows ocean pH—or acidity—over the past 25 million years, and we can see some variation across those millions of years. This is what is projected for the next 100 years: pH drops equals acidity rises.

According to a research article published in the journal *Nature Geoscience*, the rate of change in ocean acidity is already faster than at any time recorded in the past 50 million years. Scientists go back and they can see this in the geologic record. We have broken every record for 50 million years—millions of years before human beings were ever on the planet.

This all may sound esoteric, but it has real hometown consequences for Rhode Island, where coastal life defines our heritage, our culture, and our economy. Fishing is big business in my State. Rhode Island's annual farmed oyster production, for instance, is valued at over \$5 million. But carbon pollution is changing the very chemistry in which those oysters must survive.

Research on the effects of ocean acidification on shellfish and other marine life can barely keep up with a rapidly acidifying ocean—another reason we need more money for research. Change is coming at us faster. We have

to speed up the pace of research to understand it. But what we do know is that shellfish, such as mussels, clams, and oysters, make their shells from calcium carbonate, and calcium carbonate dissolves in acidified seawater.

Here is how Bob Rheault, executive director of the East Coast Shellfish Growers Association, put it:

The only thing we know for sure is that the larvae, in that first 48-hour period before they start feeding, are tremendously susceptible to dissolution. Their energy budget goes negative because they haven't started to feed yet, and if they haven't got enough energy in that egg and they're starting to dissolve, then it takes extra energy to lay down shell, and they sometimes don't make it.

Here we see normal, healthy oyster larvae in those first few crucial days of development, compared to larvae growing in more acidic ocean water.

NOAA scientists have projected that the world's oceans and coastal estuaries will become 150 percent more acidic by 2100. This could mean disaster for shellfish—a \$1 billion industry around the country. U.S. shellfish production is currently expected to see a 10- to 25-percent reduction in the next five decades, according to the Woods Hole Oceanographic Institute. Again, pardon me for being serious about this, but it is currently predicted that a major industry in my State is going to be knocked down 10 to 25 percent because we are making our oceans acidic with carbon pollution.

A study published last year found that Rhode Island's shellfish populations are especially vulnerable. Mark Gibson is the deputy chief of marine fisheries at the Rhode Island Department of Environmental Management, and he calls ocean acidification a "significant threat" to local fisheries. I don't know how many Senators are expected to forget or ignore a significant threat to an industry in their home State because it is inconvenient for lobbyists and for the fossil fuel industry, but I don't think that is a fair thing to ask of me.

But acidification is not the only problem for fishermen. In a 2015 survey from the Center for American Progress, 40 percent of fishermen in the Northeast reported catching new fish species they don't usually see in the waters they fish. Rhode Islanders are starting to catch tarpon and grouper, usually tropical fish; our valuable winter flounder fishery is virtually gone; and our lobstermen have to go farther and farther out to sea to find cooler waters where they can catch their lobsters.

Among the fishermen surveyed, 80 percent of those who noticed "warmer water temperatures" attribute it to climate change. This is new. When I first got to the Senate, if I went down to Galilee—Rhode Island's largest fishing port—and tried to talk to the fishermen there about climate change or ocean acidification, I was lucky if they didn't throw me off the pier. They didn't want to hear about it. But then it started to hit home. Now fishermen

come to me and say: SHELDON, it is getting weird out there. SHELDON, this is not my grandfather's ocean any longer. These are men who fished with their grandfathers, who fished with their fathers, and who now have their own boats. They know these waters, and when they say that the ocean has changed and it is getting weird out there, we should listen. They are on the water every day, and they see these changes happen before their very eyes.

I hope my Republican colleagues are like those fishermen. I am sure some of them probably want to throw me off a pier for all these talks, but mostly they probably just don't want to hear about climate change. But what I am hoping is that soon they will hear it from the fishermen in their own States, or their farmers or their foresters, and that they will hear it from their State health officials, their State emergency officials, their own State universities, and they will listen. When they do, they will realize the fossil fuel industry has been duplicitous with them and has been leading them away from their own State's best interests. They will learn that the fossil fuel industry lobbyists are false friends as well as greedy ones.

We have a clear scientific understanding of the problem. Yet relentless fossil fuel opposition prevents us from moving toward a solution. It is a disgrace, frankly.

It is time to pay attention to reality, to the evidence, to what our farmers and foresters, and, yes, our fishermen are telling us. It is time to shut off the toxic polluter-paid politics that cloud this issue and give Washington a dirty name. It is time, indeed, to wake up.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ALEE LOCKMAN

Mr. DAINES. Mr. President, I rise to recognize Alee Lockman.

Alee Lockman is the pride of Brockton, MT. In fact, Alee grew up on her family's wheat farm 10 miles north of Brockton in eastern Montana. Alee is also the pride of Froid High School, a classic high school in Montana. She was the valedictorian of a graduating class size of six. Alee graduated from Froid High School and went on to Harvard and graduated in 2010.

Alee Lockman also served as my communications director for the past 3 years. She came back to Washington when I was elected to the House and served on my team there. She worked on my campaign staff as well when we ran for the U.S. Senate. And thanks to Alee's tireless work and strong work ethic, we were able to win that race, and she came over to the Senate side

and served as my communications director there for the past year-plus.

She played an absolutely invaluable role in my office. She is a brilliant, creative thinker who has a talent unparalleled.

I will never forget our road trips across Montana. There were times when we would spend countless hours in a small, little compact car—I am used to driving my big Ford pickup—that we would rent and literally drive thousands of miles across Montana and visit all the small towns.

Nobody was a greater advocate for rural Montana issues—somebody who lived it and breathed it her entire life—than Alee Lockman. In fact, one of the best nights of the month was our monthly tele-townhall meeting, where tens of thousands of Montanans would know Alee's voice because she would always introduce me. I always took pride in announcing: "You just heard from Alee Lockman from Brockton, MT."

I could always count on her to provide wisdom and much needed insight, particularly when it came to my prolific social media feeds. Sometimes Alee would place guardrails around what I probably should or should not be saying.

We are going to miss Alee Lockman. Alee has gone on to pursue a great, new opportunity, which I am very excited about for her, and I wish her the very best.

I wish to thank Alee Lockman for her service to the people of Montana, to this Nation, and to this institution.

You are going to be missed, Alee, and we wish you the best of luck in your future endeavors.

MORNING BUSINESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENSURING PATIENT ACCESS AND EFFECTIVE DRUG ENFORCEMENT ACT

Mr. HATCH. Mr. President, today I wish to discuss S. 483, the Ensuring Patient Access and Effective Drug Enforcement Act, which the Judiciary Committee reported out by voice vote right before we went into recess. At the outset, I would like to thank Senator WHITEHOUSE for his important work on this bill. He and his staff have been crucial partners in helping to move this legislation forward.

S. 483 will bring much-needed clarity to several key provisions of the Controlled Substances Act. In particular, it will better delineate the standards a company must satisfy in order to obtain a Controlled Substances Act registration and the circumstances under which a registration may be suspended without an adjudicative proceeding.

To elaborate briefly on this second point, under the terms of the Controlled Substances Act, the Attorney General may suspend a registration to manufacture or distribute controlled substances without court process if she determines there is an imminent danger to the public health and safety, but the Controlled Substances Act does not define what constitutes an imminent danger. S. 483 clarifies the Attorney General's authority under this provision by specifying that imminent danger means that, "due to failure of the registrant to maintain effective controls against diversion or otherwise comply with the obligations of a registrant under this title or title III, there is a substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur in the absence of an immediate suspension of the registration."

It is the intent of the bill authors that the phrase "substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur" include situations where evidence of diversion indicates there is a substantial likelihood that abuse of a controlled substance will occur—that is it is the intent of the authors that this language authorize the Attorney General to issue an immediate suspension order in cases where evidence of diversion points to a substantial likelihood of abuse, provided the other conditions for issuing such an order are met.

In addition to these important clarifications, S. 483 will also facilitate greater collaboration between registrants and relevant Federal actors in combatting prescription drug abuse. In particular, the bill provides a mechanism for companies who inadvertently violate the Controlled Substances Act to submit a corrective action plan to remediate the violation before their registration is suspended and the supply of drugs to patients is interrupted. This provision will encourage greater self-reporting of violations and promote joint efforts between government and private actors to stem the tide of prescription drug abuse. It will also help ensure that supply chains remain intact for legitimate uses such as the alleviation of pain and illness.

S. 483 takes a balanced approach to the problem of prescription drug abuse. It clarifies and further defines the Attorney General's enforcement powers while seeking to avoid situations that may lead to an interruption in the supply of medicine to suffering patients. It reflects a measured, carefully negotiated compromise between stakeholders and law enforcement that will enable both to work together more effectively. I thank Senator WHITEHOUSE again for his work on this bill and urge my colleagues to give it their strong support.